UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
7th meeting
held on
Monday, 28 September 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. ZARIF (Islamic Republic of Iran)

CONTENTS

AGENDA ITEM 125: OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW

AGENDA ITEM 130: CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

92-56766 5968S (E)

Distr. GENERAL
A/C.6/47/SR.7
6 October 1992
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 125: OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES (A/47/323)

1. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the report of the Secretary-General on agenda item 125 (A/47/323), entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States", said that the introduction to the report reproduced part of General Assembly resolution 45/37, of 28 November 1990, in which the Secretary-General was requested to report to the General Assembly at its forty-seventh session on the implementation of the resolution, and in which all States that had not done so were urged to consider as soon as possible the question of ratifying, or acceding to, the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character; the resolution had also called once more upon the States concerned to accord to the delegations of the national liberation movements in question, which were accorded observer status by international organizations, the facilities, privileges and immunities necessary for the performance of their functions, in accordance with the provisions of the Vienna Convention. Section II of the report contained replies received from Governments in accordance with General Assembly resolution 45/37. He hoped that the Sixth Committee would find the report useful during its consideration of agenda item 125.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (A/47/384)

2. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the report of the Secretary-General on agenda item 128 (A/47/384), entitled "United Nations Decade of International Law", said that section II of the report contained an analysis of the replies received from States and international organizations on the implementation of the Programme for the first part of the Decade (1990-1992). The replies were analytically summarized in section II and were grouped under the five main sections into which the Programme was divided. Section III of the report contained supplementary information on the new activities of the United Nations relevant to the progressive development of international law and its codification.

3. Recent events had demonstrated once again how essential it was that the rule of law prevail and the timeliness of the General Assembly's decision to proclaim the United Nations Decade of International Law. In that connection, it should be noted that one of the main purposes of the Decade was the promotion of means and methods for the peaceful settlement of disputes, including resort to and full respect for the International Court of Justice. Moreover, the Secretary-General, in his report entitled "An agenda for peace", had recommended, as had his predecessor, that "the Secretary-General [should] be authorized, pursuant to Article 96, paragraph 2, of the Charter, to take advantage of the advisory competence of the Court and that other United

(Mr. Fleischhauer)

Nations organs that already [enjoyed] such authorization [should] turn to the Court more frequently for advisory opinions". It would be recalled that the Committee had discussed the idea during the forty-fifth and forty-sixth sessions of the General Assembly. In that same report the Secretary-General had further recommended that all Member States should accept the general jurisdiction of the Court, without any reservation, before the end of the United Nations Decade of International Law. The Secretary-General had added that, in "instances where domestic structures prevented [that], States should agree bilaterally or multilaterally to a comprehensive list of matters they [were] willing to submit to the Court and should withdraw their reservations to its jurisdiction in the dispute settlement clauses of multilateral treaties". The Secretary-General had also recommended that, when "submission of a dispute to the full Court [was] not practical, the Chambers jurisdiction should be used" and that "States should support the Trust Fund established to assist countries unable to afford the cost involved in bringing a dispute to the Court, and such countries should take full advantage of the Fund in order to resolve their disputes". He was certain that the Secretary-General's recommendations would be a useful contribution to the debate on agenda item 128, in the Working Group and in the plenary meetings of the Sixth Committee.

AGENDA ITEM 130: CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY (A/47/326 and Add.1 and 2)

4. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the report of the Secretary-General on agenda item 130 (A/47/326 and Add.1 and 2), entitled "Convention on jurisdictional immunities of States and their property", said that in its resolution 46/55, the General Assembly, after noting that the International Law Commission had completed at its forty-third session the second reading of the draft articles on jurisdictional immunities of States and their property, had decided to establish at its forty-seventh session an open-ended working group of the Sixth Committee to examine, in the light of the written comments of Governments, as well as the views expressed in debates at the forty-sixth session of the Assembly: (i) issues of substance arising out of the draft articles, in order to facilitate a successful conclusion of a convention through the promotion of general agreement; and (ii) the question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property.

5. Section I of the report set out the relevant paragraphs of General Assembly resolution 46/55 inviting States to submit their comments and observations on the draft articles and requesting the Secretary-General to circulate those comments and observations at the forty-seventh session of the General Assembly. Section II contained the replies of 15 States received as of 18 September 1992. He hoped that the report would enable the Sixth Committee to take appropriate decisions on the questions raised under agenda item 130.

The meeting rose at 3.35 p.m.